

Message

From: Seltzer, Mark [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1F81D6FC209B46CC8403097548FC3930-SELTZER, MARK]
Sent: 12/6/2018 3:43:31 PM
To: Lloyd, Tyler [Lloyd.Tyler@epa.gov]; Carmichael, Lea [carmichael.lea@epa.gov]
CC: Goldstein, Jessica [goldstein.jessica@epa.gov]; Gardner, Geraldine [Gardner.Geraldine@epa.gov]
Subject: FW: ACE runs statistics on asbestos imports.

Tyler—

(Lea- I hope this text narrative helps as well. Let me know if it is accurate regarding **Ex. 5 Attorney Client (AC)**)

I wanted to share with you the data writeup I compiled for Lea; see below (email). The information illustrates the

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Of **513** import entities identified by OECA

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Hope this helps.

--Mark

Mark Seltzer, Attorney Advisor
Chemical Risk and Reporting Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency
Phone: 202-564-2901

From: Seltzer, Mark
Sent: Tuesday, December 04, 2018 5:45 PM
To: Carmichael, Lea <carmichael.lea@epa.gov>
Subject: ACE runs statistics.

As per our phone call. This will illustrate the problems we discussed on the phone.

The export I provided (attached).

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- **Ex. 5 Attorney Client (AC)**

Daniel's list was a lot shorter as he was only able to give you a subset which had **Ex. 5 Attorney Client (AC)** (attached) (EPAREPORT2018)

-
- **Ex. 5 Attorney Client (AC)**

Mark Seltzer, Attorney Advisor
Chemical Risk and Reporting Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency
Phone: 202-564-2901

From: Seltzer, Mark
Sent: Thursday, March 22, 2018 2:05 PM
To: Walker, Yolaanda <Walker.Yolaanda@epa.gov>; Hellyer, Yvette <Hellyer.Yvette@epa.gov>
Subject: RE: IMPORTANT-- EPA follow-up request to CBP FW: Use and disclosure ACE data to support statutory risk evaluation

THE INFORMATION CONTAINED IN THE ATTACHMENT TO THIS E-MAIL IS THE PROPERTY OF THE UNITED STATES CUSTOMS AND BORDER PROTECTION (CBP), US DEPARTMENT OF HOMELAND SECURITY, AND CANNOT BE DISCLOSED OUTSIDE EPA UNLESS CBP PROVIDES PRIOR APPROVAL.

Yolaanda, Yvette—

Robert in OPPT is looking for Ex. 5 Attorney Client (AC) For all of the ones I have skimmed PGA data is not available. Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

- CHRYSOTILE MILLED FIBERS, GROUP 4 AND 5 GRADES
- CHRYSOTILE MILLED FIBERS, GROUP 3 GRADES (SPINNING FIBER,EQU
- OTHER ASBESTOS

-m

Mark Seltzer, Attorney Advisor
Chemical Risk and Reporting Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency
Phone: 202-564-2901

From: Courtnage, Robert
Sent: Tuesday, March 20, 2018 12:01 PM
To: Seltzer, Mark <Seltzer.Mark@epa.gov>
Cc: Carmichael, Lea <Carmichael.Lea@epa.gov>; Winchester, Erik <Winchester.Erik@epa.gov>; Pfahles-Hutchens, Andrea <Pfahles-Hutchens.Andrea@epa.gov>; Silagi, William <Silagi.William@epa.gov>
Subject: FW: IMPORTANT-- EPA follow-up request to CBP FW: Use and disclosure ACE data to support statutory risk evaluation
Importance: High

Mark-

As per our conversation, here is the email from the OGC PRA attorney directly below and then from CBP management
Ex. 6 PP / Ex. 7(C) below him after we had outlined exactly what we wanted to do. Note, this is in addition to verbal discussions
with Ex. 6 PP / Ex. 7(C)

-Robert

Robert T. Courtnage
Associate Chief
Fibers and Organics Branch
National Program Chemicals Division
Office of Pollution Prevention and Toxics/OCSP
U.S. Environmental Protection Agency
202.566.1081 (Desk)
202.740.2993 (Mobile)

From: Talty, Mark
Sent: Thursday, March 08, 2018 8:57 AM
To: Courtnage, Robert <Courtnage.Robert@EPA.GOV>
Cc: Anderson, Steve <Anderson.Steve@epa.gov>; Winchester, Erik <Winchester.Erik@epa.gov>; Carmichael, Lea <Carmichael.Lea@epa.gov>
Subject: RE: IMPORTANT-- EPA follow-up request to CBP FW: Use and disclosure ACE data to support statutory risk evaluation

Thanks for passing this along, Robert. Consistent with my advice from yesterday, Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Please feel free to reach out if you have any additional questions or concerns.

Best regards,

Mark

Mark C. Talty
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-1262
talty.mark@epa.gov

From: Courtnage, Robert
Sent: Wednesday, March 07, 2018 11:47 AM
To: Talty, Mark <Talty.Mark@epa.gov>
Cc: Anderson, Steve <Anderson.Steve@epa.gov>; Winchester, Erik <Winchester.Erik@epa.gov>; Carmichael, Lea <Carmichael.Lea@epa.gov>
Subject: FW: IMPORTANT-- EPA follow-up request to CBP FW: Use and disclosure ACE data to support statutory risk evaluation

Hi Mark-

Here is the email chain I was referring to this am that provided us permission to **Ex. 5 Attorney Client (AC)**

Robert T. Courtnage
Associate Chief
Fibers and Organics Branch
National Program Chemicals Division
Office of Pollution Prevention and Toxics/OCSP
U.S. Environmental Protection Agency
202.566.1081 (Desk)
202.740.2993 (Mobile)

From: **Ex. 6 PP / Ex. 7(C)**
Sent: Friday, February 23, 2018 12:12 PM
To: Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Winchester, Erik <Winchester.Erik@epa.gov>
Cc: Anderson, Steve <Anderson.Steve@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>
Subject: RE: IMPORTANT-- EPA follow-up request to CBP FW: Use and disclosure ACE data to support statutory risk evaluation

I check, since they classified under an HTS under your jurisdiction you can inquire.

From: Courtnage, Robert [mailto:Courtnage.Robert@EPA.GOV]
Sent: Thursday, February 22, 2018 10:49 AM
Ex. 6 PP / Ex. 7(C) Winchester, Erik <Winchester.Erik@epa.gov>
Cc: Anderson, Steve <Anderson.Steve@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>
Subject: RE: IMPORTANT-- EPA follow-up request to CBP FW: Use and disclosure ACE data to support statutory risk evaluation
Importance: High

Hi **Ex. 6 PP / Ex. 7(C)**

Erik asked as the asbestos lead for me to respond to you on this.

EPA was provided a report that was generated using **Ex. 5 Attorney Client (AC)**
Ex. 5 Attorney Client (AC) within the last five (5) years.

Ex. 5 Attorney Client (AC)

Ex. 4 CBI

Ex. 4 CBI

As Erik mentioned, [Ex. 5 Attorney Client (AC)]

Ex. 5 Attorney Client (AC)

We'd be happy to schedule a call to further clarify/ discuss any of this.

Thanks much!

Robert T. Courtnage
Associate Chief
Fibers and Organics Branch
National Program Chemicals Division
Office of Pollution Prevention and Toxics/OCSP
U.S. Environmental Protection Agency
202.566.1081 (Desk)
202.740.2993 (Mobile)

From: [Ex. 6 PP / Ex. 7(C)]

Sent: Wednesday, February 21, 2018 8:52 PM

To: Winchester, Erik <Winchester.Erik@epa.gov>

Cc: Anderson, Steve <Anderson.Steve@epa.gov>; Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Sadowsky, Don <Sadowsky.Don@epa.gov>

Subject: RE: IMPORTANT-- EPA follow-up request to CBP FW: Use and disclosure ACE data to support statutory risk evaluation

Erik,

Just to confirm [Ex. 5 Attorney Client (AC)]

[Ex. 5 Attorney Client (AC)]

From: Winchester, Erik [<mailto:Winchester.Erik@epa.gov>]

Sent: Wednesday, February 21, 2018 4:02 PM

[Ex. 6 PP / Ex. 7(C)]

Cc: Anderson, Steve <Anderson.Steve@epa.gov>; Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Sadowsky, Don <Sadowsky.Don@epa.gov>

Subject: IMPORTANT-- EPA follow-up request to CBP FW: Use and disclosure ACE data to support statutory risk evaluation

Hi [Ex. 6 PP / Ex. 7(C)]

We have a follow up request on the use of the CBP [Ex. 7(E)] data. [Ex. 5 Attorney Client (AC)]

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Please reach out if you have any questions, and if possible a reply by Fri Feb 23 or Monday Feb 26th would be much appreciated as we are on a very tight schedule here.

Thanks for your help,
Erik

Erik Winchester, Chief
Fibers & Organics Branch
USEPA/OCSP/OPPT
202-564-6450

From: **Ex. 6 PP / Ex. 7(C)**

Sent: Monday, February 12, 2018 4:32 PM

To: Sadowsky, Don <Sadowsky.Don@epa.gov>

Cc: Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Chaudet, Roy <Chaudet.Roy@EPA.GOV>; Holmes, Carol <Holmes.Carol@epa.gov>; Anderson, Steve <Anderson.Steve@epa.gov>

Subject: RE: Use and disclosure ACE data to support statutory risk evaluation

Ex. 5 Deliberative Process (DP), Ex. 7 E

Please understand how DHS defines PII in the [Privacy Information Handling Guidelines](#) (e.g., while not sensitive, name and phone numbers are PII as is: “any information that permits the identity of an individual to be directly or indirectly inferred”).

From: Sadowsky, Don [<mailto:Sadowsky.Don@epa.gov>]

Sent: Tuesday, January 30, 2018 2:03 PM

Ex. 6 PP / Ex. 7(C)

Cc: Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Chaudet, Roy <Chaudet.Roy@EPA.GOV>; Holmes, Carol <Holmes.Carol@epa.gov>; Anderson, Steve <Anderson.Steve@epa.gov>

Subject: Use and disclosure ACE data to support statutory risk evaluation

My clients in the Office of Pollution Prevention and Toxics are conducting risk revaluation of asbestos in accordance with the requirements of TSCA § 6(b)(4). That provision directs EPA to determine whether the substance being reviewed presents an unreasonable risk of injury to health or the environment, based in part upon usage patterns. The statute directs EPA to provide notice and comment on its draft risk evaluation; the public record must contain information adequate to support the evaluation.

All the asbestos subject to this analysis is imported, either in raw chrysotile form or bound in articles.

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

- **Ex. 5 Attorney Client (AC)**
- **Ex. 5 Attorney Client (AC)**
- **Ex. 5 Attorney Client (AC)**

Ex. 5 Deliberative Process (DP)

EPA is soon to issue a problem formulation document, after which time we will begin the risk evaluation analysis phase. Our risk assessors will use all available government data to do their job in assessing the current risks from the ongoing use of asbestos in commerce. Data is needed early Spring to begin conducting the analysis.

Thanks so much for your assistance. We would be happy to arrange a telephone call to provide further information, if that would be helpful.

Donald A. Sadowsky
Pesticides and Toxic Substances Law Office
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
(202) 564-5638

ID0015